

THE MARKS LAW FIRM, P.C.

September 26, 2023

FILED VIA ECF

Hon. Lorna G. Schofield
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Defendants shall file a response, not to exceed three pages, by **October 3, 2023**. So Ordered.

Dated: September 27, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

RE: **Graciela Doncouse v. LNC Wellness LLC, et al.**
Index: 1:23-cv-03228-LGS

Dear Judge Schofield,

Plaintiff respectfully request an appearance before Your Honor to adjudicate the discovery issues in accordance with Section III(c)(3) ("Discovery Disputes") of Your Honor's Individual Part Rules and SDNY Local Civil Rule 37.2.

On May 24, 2023, June 2, 2023, and again June 21, 2023 Plaintiff served its Rule 26 Initial Disclosures, First Request for Interrogatories and First Request to Produce (Exhibit A) upon Defendants in accordance with your Honor's Case Management Plan and Scheduling Order. To date, Plaintiff still has not received a response to its Discovery Demands, nor have Defendants objected or moved for a protective order. The parties had hoped this matter would resolve in mediation that occurred on September 21, 2023, however no such resolution was achieved. The parties still are engaging in such discussion, however not resolved to date. Plaintiff requires responses to its June 21, 2023 Discovery Demands to prepare for depositions and in order to comply with other discovery deadlines in the interim as set forth in Your Honor's June 20, 2023 [Dkt 22] Case Management Plan [Dkt. 33] and will be prejudiced if the requested discovery is not provided.

On September 21, 2023, Plaintiff sent a discovery deficiency notice to Defendants via email outlining this discovery issue (Exhibit B) with details as to the Defendants' noncompliance with discovery deadlines and requested a meet and confer to resolve the discovery dispute. On September 26, 2023 engaged in a rule 37.2 meet and confer regarding the discovery deficiency and lack of compliance with applicable discovery deadlines via telephone, but were unable to reach an agreement as to the resolution of this discovery dispute. Part of the reason is Defendants need additnal time to gather the responsive documents to Plaintiffs Demands, including information regarding Defednents 11/22/22 purchase of the building. Moreover, Defendants have not served discovery demands, far passed the deadlines, and should be precluded from interposing the same at this late stage. In addition, the Defendants have not objected to the

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discovery demands from Plaintiff, nor have they sought a protective order, and therefore all objections are waived and the full discovery must be produced.

Defendants' failure to produce discovery responses without any justification is highly prejudicial to Plaintiff. Therefore, Plaintiff respectfully requests a conference with Your Honor to adjudicate the discovery issues by obtaining the necessary discovery, extending the deadlines to complete discovery, and staying all other deadlines pending the outcome of this discovery letter motion.

We thank you and the Court for its time and consideration.

Respectfully Submitted,

The Marks Law Firm, P.C.

By: 
Bradley G. Marks